

**IN THE UNITED STATES BANKRUPTCY COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

IN RE:

THERESA KEPPLE)

DEBTOR)

CHAPTER 13

NEWREZ LLC D/B/A SHELLPOINT MORTGAGE)

SERVICING AS SERVICER FOR U.S. BANK)

NATIONAL ASSOCIATION, AS TRUSTEE, AS)

SUCCESSOR TO U.S. BANK TRUST NATIONAL)

NO. 16-24304-CMB

ASSOCIATION, AS TRUSTEE, FOR HOME)

EQUITY LOAN TRUST 1998-C)

MOVANT)

11 U.S.C. Section 362

vs.)

THERESA KEPPLE)

ROBERT D. KEPPLE SR.)

RONDA J. WINNECOUR)

RESPONDENTS)

**RESPONSE TO DEBTOR’S MOTION TO SELL PROPERTY FREE AND CLEAR OF
LIENS UNDER SECTION 363(F) RE: 229 MORAN ROAD BUTLER PA 16002 [D.E. 208]**

COMES NOW, NewRez LLC d/b/a Shellpoint Mortgage Servicing, (“Creditor”), and files this written response to Debtor’s Motion to Sell Property Free and Clear of Liens under Section 363(f) Re: 229 Moran Road Butler PA 16002 [D.E. 208], and as grounds therefor states:

1. Creditor is a secured creditor holding a secured Claim against Debtor’s Properties located at 228 Moran Rd., PA, 16002 and 229 Moran Road Butler PA 16002 (hereinafter the “Properties”) in the approximate amounts of \$37,653.24 and \$76,877.56, respectively as of the date of filing the Proof of Claims for each property.

2. Debtor filed her Motion to Sell on June 10, 2020 wherein she states that she is in the process of selling the property and she has “*agreed to sell to Hunter Morgan and Ruby*

Mortgage the said real property subject to this Motion. The total purchase price is One Hundred Twenty Nine Thousand (\$129,000).”

3. Debtor filed a similar Motion to Sell Property Free and Clear of Liens under Section 363(f) Re: 229 Moran Road Butler PA 16002 with this Court on August 29, 2019 that was granted on October 11, 2019.

4. The Property was never sold pursuant to the original sales agreement and no payments have been made to Creditor since the prior sell fell through.

5. Creditor does not oppose Debtor’s current Motion to Sell so long as the sale proceeds pay all liens in full pursuant to § 363(f).

6. Also, for the proposed sale to be approved the requirements of 11 U.S.C. § 363(f) must be satisfied.

7. Creditor acknowledges that the proposed order attached to Movant’s Motion to Sell provides for Creditor’s lien to be paid in full at closing.

8. Creditor files the within Response to confirm that Respondent does not oppose Debtor’s Motion to Sell the property so long as Respondent’s lien is paid in full at closing, as provided under the proposed order attached to Movant’s Motion to Sell.

9. Additionally, if this sale does not go through Creditor will be seeking relief from the automatic stay for both Properties at the scheduled hearings on September 16, 2020.

WHEREFORE, PREMISES CONSIDERED, Creditor prays that the Court will approve Debtor’s Motion with the stipulation that its loan is paid in full.

Respectfully submitted,

/s/ Joshua I. Goldman
JOSHUA I. GOLDMAN, ESQ.

Pennsylvania Bar # 205047
PADGETT LAW GROUP
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
(850) 422-2520 (telephone)
(850) 422-2567 (facsimile)
josh.goldman@padgettlawgroup.com
Counsel for Creditor

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished to the parties on the attached Service List by electronic notice and/or by First Class U.S. Mail on this 26th day of June 2020:

/s/ Joshua I. Goldman
JOSHUA I. GOLDMAN, ESQ.
Pennsylvania Bar # 205047
PADGETT LAW GROUP
6267 Old Water Oak Road, Suite 203
Tallahassee, FL 32312
(850) 422-2520 (telephone)
(850) 422-2567 (facsimile)
josh.goldman@padgettlawgroup.com
Counsel for Creditor

SERVICE LIST (CASE NO. 3:18-bk-03477)

THERESA KEPPLER
229 MORAN ROAD
BUTLER, PA 16002

ROBERT D. KEPPLER SR.
229 MORAN ROAD
BUTLER, PA 16002

ATTORNEY FOR DEBTOR
SHAWN N. WRIGHT
7240 MCKNIGHT ROAD
PITTSBURGH, PA 15237

RONDA J. WINNECOUR
SUITE 3250, USX TOWER
600 GRANT STREET
PITTSBURGH, PA 15219

OFFICE OF THE UNITED STATES TRUSTEE
LIBERTY CENTER
1001 LIBERTY AVENUE, SUITE 970
PITTSBURGH, PA 15222